

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ANNA MARIE HOGE 3 Brinkley Court Selbyville, Delaware 19975	
Plaintiff	
v.	Civil Action No:
ELK RUN VINEYARDS, INC. 15113 Liberty Road Mount Airy, Maryland 21771	
SERVE: Freddie W. Wilson 15113 Liberty Road Mount Airy, Maryland 21771	
Defendant	

COMPLAINT AND ELECTION FOR JURY TRIAL

Plaintiff, Anna Marie Hoge, by her attorneys, Paul D. Bekman and Bekman, Marder & Adkins, LLC, sues the Defendant, Elk Run Vineyards, Inc., and states as follows:

COUNT I

1. The Plaintiff, Anna Marie Hoge, is a resident of the State of Delaware.
2. The Defendant, Elk Run Vineyards, Inc., is a Maryland Corporation whose principal place of business is in Maryland. At all relevant times, Elk Run Vineyards, Inc. was and is doing business in the State of Maryland, and it was and is transacting business and carrying on regular business in Mount Airy, Maryland.
3. This Court has jurisdiction over this matter, pursuant to 28 U.S.C. Section 1331, as there is diversity of citizenship between the parties and the amount of this claim exceeds Seventy-Five Thousand Dollars (\$75,000.00).

4. At all relevant times, the Defendant retained exclusive ownership, possession, control and supervision of and over the premises in and around the vineyards and wine tasting areas.

5. It was the duty of the Defendant to maintain and repair said premises in a reasonable and safe condition fit for public travel and use or, in the alternative, to provide reasonable and adequate warnings and notice of any unsafe conditions on its premises.

6. On June 18, 2017, the Plaintiff, Anna Marie Hoge, was at Elk Run Vineyards, Inc. and the outdoor seating area as a business invitee. While sitting at an outdoor table, a large table umbrella, which was neither secured nor weighed down, flew up and out of the table and crashed down on top of Plaintiff, striking her in the head, face, neck, back and body. The unsecured umbrella created an unsafe and dangerous condition and, as a result thereof, the Plaintiff was seriously and painfully injured.

7. Said Defendant, through its agent(s), servant(s), and employee(s), knew or should have known of the unsafe, hazardous, and dangerous condition of the table umbrella, but negligently failed to eliminate said danger or to warn the Plaintiff and others of the existence of the condition.

8. That said Defendant, through its agent(s), servant(s), and/or employee(s), contrary to and in violation of the aforesaid duty, were negligent and careless in that it:

- a. permitted said premises to be and remain in an unsafe and dangerous condition for persons visiting the vineyard;
- b. failed to correct the unsafe, dangerous, and hazardous condition;
- c. failed to warn persons, including the Plaintiff, of the unsafe, dangerous, and hazardous condition;

d. failed to inspect the vineyard and eating/drinking area for unsafe, dangerous, and hazardous conditions, and in particular, the umbrellas;

e. failed to properly secure the said umbrella to or within the table;

f. failed to properly anchor the umbrella so it would not pose a danger to the Plaintiff while seated at the table;

g. failed to shut down the outside seating area due to the weather conditions then existing; and

h. was otherwise negligent and careless.

9. As a direct result of the Defendant's negligence, the Plaintiff, Anna Marie Hoge, was proximately caused to sustain serious, painful and permanent injuries to her person, severe shock to her nerves and nervous system, great mental and emotional suffering and anguish, and other injuries; whereby she was obliged to receive medical treatment for which expenses were and will continue to be incurred in the future and was and will be prevented from engaging in her usual employments, activities and pursuits and was otherwise injured and damaged.

10. Plaintiff, Anna Marie Hoge, states that all of the injuries were caused solely by the action of the Defendant without any action on the part of the Plaintiff thereunto contributing.

WHEREFORE, the Plaintiff, Anna Marie Hoge, claims damages in an amount exceeding \$75,000.00 against the Defendant, Elk Run Vineyards, Inc., to be determined by a jury, with all interest and costs to be paid by the Defendant.



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